



Washington, D.C. 20505

OLC #32-0720/17

Executive Registry

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15 MAY 1980

The Honorable Edward P. Boland  
Chairman, Permanent Select  
Committee on Intelligence  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

This is in response to your 18 April 1980 letter to the Director inquiring about the leak cases which we have referred to the Department of Justice since 1 January 1979 and about the responses we have received.

Since 1 January 1979 we have reported to the Department of Justice nine cases involving the unauthorized disclosure of classified information. We are also aware of additional cases which were reported to Justice by other Executive Branch Agencies.

The leaks which were reported were not the only ones which occurred in this time frame, but it is our practice to report only those leaks which seem amenable to investigation or are particularly damaging. When Agency officers become aware of media reports which appear to contain classified information, the matter is referred to our Office of Security. Security officials attempt to confirm that the disclosed information is classified and also to determine whether the information can be sourced to a specific classified document. The case is then forwarded to the Office of General Counsel which determines whether the matter should be reported to Justice.

Enclosed are brief summaries of the nine cases which were reported to Justice. We would be pleased to discuss with you any of these cases in which you have a continuing or special interest.

Sincerely yours,

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Frank C. Carlucci

Enclosures  
UNCLASSIFIED WHEN SEPARATED  
FROM ATTACHMENTS

25X1

S E C R E T

S E C R E T

DATE AND DESCRIPTION OF LEAK: [REDACTED]

25X1

25X1

The published information revealed advanced capabilities of U.S. intelligence agencies [REDACTED]

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[REDACTED] An analysis of the two press reports indicates the reporters were probably briefed on the subject matter rather than shown the actual intelligence reports. [REDACTED]

25X1

DATE OF REFERRAL: 16 February 1979 (Director, Federal Bureau of Investigation) [REDACTED]

25X1

RESPONSE (19 March 1979): The Department of Justice requested that the Agency inform the FBI and the Assistant Attorney General, Criminal Division, whether it desired that an investigation be conducted and, if so, to furnish additional data. [REDACTED]

25X1

STATUS: The Assistant Attorney General was subsequently notified that a detailed review had determined that further investigation would be most difficult due to the broad dissemination of the source documents and that, accordingly, the Agency did not wish to pursue the matter further. [REDACTED]

25X1

25X1

S E C R E T

S E C R E T

DATE AND DESCRIPTION OF LEAK. [REDACTED] 25X1  
[REDACTED] 25X1

It would appear [REDACTED] was briefed on these developments by someone not totally familiar with the technical aspects of telemetry analysis. [REDACTED] 25X1  
25X1

DATE OF REFERRAL: 3 April 1979 [REDACTED] 25X1

RESPONSE (24 August 1979): The Department of Justice requested additional information relating to the source of the classified information, its distribution, any prior official release and the possibility of declassifying the information for prosecution purposes. [REDACTED] 25X1

RESPONSE: (29 November 1979): Justice notified the Agency that the Attorney General had authorized the FBI to interview [REDACTED] source of information disclosed in this and other articles. [REDACTED] 25X1  
25X1

RESPONSE: (19 December 1979): Justice notified the Agency that Secretary of Defense Brown shares the views of the Department of Justice that an interview [REDACTED] be futile and that the investigation should be dropped. [REDACTED] 25X1  
25X1

STATUS: Justice has indicated its intention to advise the FBI that no additional investigation of this matter is desired. [REDACTED] 25X1

[REDACTED] 25X1

S E C R E T

DATE AND DESCRIPTION OF LEAK. [REDACTED]

25X1

25X1

DATE OF REFERRAL: 19 April 1979 [REDACTED]

25X1

RESPONSE (7 May and 2 November 1979): The Department of Justice requested additional information relating to the source of the classified information, its distribution, any prior official release and the possibility of declassifying the information for prosecution purposes. [REDACTED]

25X1

RESPONSE (29 November 1979): Justice notified the Agency that the Attorney General had authorized the FBI to interview [REDACTED] source of information disclosed in this and other articles. [REDACTED]

25X1

25X1

RESPONSE (19 December 1979): Justice notified the Agency that Secretary of Defense Brown shares the view of the Department of Justice that an interview [REDACTED] would be futile and that the investigation should be dropped. [REDACTED]

25X1

25X1

STATUS: Justice indicated its intention to advise the FBI that no additional investigation of this matter is desired. [REDACTED]

25X1

25X1

S E C R E T

## S E C R E T

DATE AND DESCRIPTION OF LEAK: [REDACTED]

25X1

25X1

DATE OF REFERRAL: 29 June 1979 [REDACTED]

25X1

RESPONSE (14 August 1979): The Department of Justice requested additional information about the official distribution of the information and the results of investigation by CIA and other Intelligence Community agencies. [REDACTED]

25X1

RESPONSE (17 October 1979): The Attorney General expressed pessimism that this matter could be brought to a successful prosecution because of the number of persons who had access to the information. [REDACTED]

25X1

RESPONSE (29 November 1979): The Department of Justice notified the Agency that the Attorney General had authorized the FBI to interview [REDACTED] source of information disclosed in this and other articles. [REDACTED]

25X1

25X1

RESPONSE (19 December 1979): Justice notified the Agency that Secretary of Defense Brown shares the view of the Department of Justice that an interview [REDACTED] would be futile and that the investigation should be dropped. [REDACTED]

25X1

25X1

STATUS: Justice indicated its intention to advise the FBI that no additional investigation of this matter is desired. [REDACTED]

25X1

25X1

S E C R E T

S E C R E T

DATE AND DESCRIPTION OF LEAK. [REDACTED]

25X1

25X1

Both [REDACTED] have revealed that they have sources within the Intelligence Community that are directly involved in, or have access to, information from the Intelligence Community who either give them copies of the information or background briefings on the material. In the case of [REDACTED] he had to have both inside information as well as access to documents, as he printed information that had been discussed but not yet published. [REDACTED]

25X1

25X1

25X1

DATE OF REFERRAL: 28 September 1979 [REDACTED]

25X1

RESPONSE (10 October 1979): The Attorney General stated that he had referred the matter to the Criminal Division. [REDACTED]

25X1

RESPONSE (12 October and 27 March 1979): The Department of Justice requested additional information relating to the source of the classified information, its distribution, any prior release and possible declassification for prosecution purposes. Justice noted that the FBI plans to conduct interviews in an effort to obtain information about a suspect. [REDACTED]

25X1

STATUS: The case remains open. [REDACTED]

25X1

25X1

S E C R E T

DATE AND DESCRIPTION OF LEAK:

25X1

DATE OF REFERRAL: (5 October 1979): This letter also included reference to the three earlier unauthorized disclosures of classified information by [ ] [ ]

25X1

RESPONSE (17 October 1979): The Attorney General stated that the Criminal Division would assess this latest disclosure and commented on the earlier [ ] articles. [ ]

25X1

RESPONSE (29 October 1979): The Department of Justice requested a copy of the classified document and asked about the extent of its dissemination within the Agency. [ ]

25X1

RESPONSE (29 November 1979): Justice notified the Agency that the Attorney General had authorized the FBI to interview [ ] as to the source of information disclosed in this and other articles. [ ]

STAT  
25X1

RESPONSE (19 December 1979): Justice notified the Agency that Secretary of Defense Brown shares the view of the Department of Justice that an interview [ ] would be futile and that the investigation should be dropped. [ ]

STAT  
25X1

STATUS: Justice has indicated its intention to advise the FBI that no additional investigation of this matter is desired. [ ]

25X1

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S E C R E T

S E C R E T

DATE AND DESCRIPTION OF LEAK:

[Redacted]

25X1

DATE OF REFERRAL: 4 March 1980

[Redacted]

25X1

RESPONSE-(24 March 1980)-- The Department of Justice requested additional information relating to the source of the classified information, its distribution, any prior official release and the possibility of declassifying the information for prosecution purposes.

[Redacted]

25X1

STATUS: Case remains open.

[Redacted]

25X1

[Redacted]

25X1

S E C R E T



S E C R E T

DATE AND DESCRIPTION OF LEAK:

25X1

DATE OF REFERRAL: 15 February 1980

25X1

RESPONSE (20 February 1980): The Attorney General stated that he had referred our letter to the Criminal Division for an assessment as to whether dissemination of the information had been so widespread that investigation was infeasible, as well as for consideration of any other relevant factors.

25X1

RESPONSE (14 April 1980): The Department of Justice agreed that because of the widespread distribution given to the source document no investigation of this matter will be undertaken.

25X1

STATUS: No FBI investigation is planned.

25X1

25X1

S E C R E T

DATE AND DESCRIPTION OF LEAK: On 62 separate occasions in the period from 1 January 1979 through 5 May 1980, Jack Anderson and his associate Dale Van Atta have produced articles, syndicated columns and broadcasts which disclose "Secret" and "Top Secret" information (see Attachment). Mr. Anderson not only has quoted extensively from these Secret and Top Secret documents in his daily column, but has actually displayed them during his television commentaries on the Good Morning America program. [REDACTED]

25X1

The Office of Security has sourced the classified information in these news features to over one hundred Intelligence Community documents. These include White House memoranda, National Security Study and Decision memoranda, many issues of the National Intelligence Daily and National Intelligence Bulletin, two National Intelligence Estimates, State Department cables and reports, CIA Weekly Reviews, CIA Staff Notes and various Defense Intelligence Agency reports. Many of these documents contain information on a number of different subjects. [REDACTED]

25X1

Our concern is not merely about the unauthorized disclosures of national security information and intelligence sources and methods which have occurred, but also about the possibility of an even larger number of exposures in the future as Jack Anderson begins to exploit the unused portions of the documents which have formed the basis for his previous articles. [REDACTED]

25X1

DATE OF REFERRAL: We have been in regular contact with the FBI on these leaks. In addition, on 16 July 1979, the Director asked the Attorney General to initiate a civil action to obtain possession of the documents in question. [REDACTED]

25X1

RESPONSE (25 November 1979): We were informed by the Attorney General that neither civil nor criminal action is warranted at this time against Mr. Anderson but that the Criminal Division is working closely with the FBI to determine whether a prosecution can be mounted against the suspected source of these documents. [REDACTED]

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S E C R E T

~~SECRET~~



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STATUS: Case remains open.



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